

11th March 1921] [The Hon'ble Mr. K. Venkata Reddi Nayudu]

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"I think there cannot be much objection to the suggestion made by my honourable friend Mr. Krishnan Nayar, but I do not wish to commit myself to any course as I propose that this should go before a Select Committee. The other suggestions made also by my honourable friends for Vizagapatam and Kistna can be considered by the committee that is to be appointed. I only wish to make it clear that in removing this obligatory duty on the part of the hospital pound-keeper we thought we were reducing the rigour of the rules. If, however, honourable members are prepared and this House is prepared to enforce it fully and are also prepared to contribute and vote for the large sums of money that may be necessary both for the staff and housing, I think Government would surely consider their suggestions. I do not know whether after a reconsideration these honourable members would stick to their own opinion. Anyway they would be at liberty to place their views before the Joint Committee on which I hope most of these gentlemen would serve."

The motion to read the Amendment Bill in Council was put and agreed to. The Secretary then read the title of the Bill.

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"Sir, I now propose that this Bill be referred to a Select Committee."

The Hon'ble Mr. K. SRINIVASA AYYANGAR seconded the motion.

The motion that the Bill be referred to a select committee was put and agreed to.

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU :—"I do not think, Sir, that a large committee is necessary. I move that the Select Committee should consist of the following members :—

- (1) Diwan Bahadur M. Krishnan Nayar,
- (2) Rao Bahadur A. P. Patro,
- (3) Khan Bahadur Muhammad Usman Sahib Bahadur,
- (4) Mr. C. V. S. Narasimha Raju,
- (5) Mr. K. Gopalakrishnayya,
- (6) Mr. A. Ramaswami Mudaliyar,
- (7) The Hon'ble the Advocate-General, and
- (8) The Hon'ble Rai Bahadur K. V. Reddi Nayudu (ex-officio)."

Diwan Bahadur P. Kesava Pillai seconded the motion.

The motion was put and agreed to.

III

Amendments to Standing Orders.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) :—"Mr. President, I desire to present under Standing Orders 41 and 43 the report of the Select Committee appointed to consider certain proposed amendments to the Standing Orders which were put forward by the Hon'ble the Law-Member and by the honourable the member for Nellore. The Select Committee has made its report and as will be observed from it, it is unanimous excepting for a minute of dissent by the honourable member from Nellore in regard to two matters. I believe, I have his authority for saying that on one of these two matters there is not likely to be any controversy, that is with reference to the omission of the word defamatory. The other matter is pressed by the honourable member for Nellore and I do not think that at this stage I shall go into the matter in detail. The report speaks for itself and at the present moment I merely present this report and I trust that further discussion will take place later."

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Mr. A. Ramaswami Mudaliyar seconded the motion made by the Hon'ble the Advocate-General.

The motion that the report of the Select Committee be taken into consideration was put and agreed to.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"I now move for the suspension of the rules of business having special reference to Standing Order 44 (i) (1). As the matter has been before the House before and as some of the matters are really of a non-contentious nature, I take it that the House will give its assent to the suspension of the Standing Order 44 (i) (1) and proceed with the business."

Mr. A. Ramaswami Mudaliyar seconded the motion.

The motion that Standing Order No. 44 (i) (1) be suspended was put and agreed to.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"Mr. President I now move under Standing Order No. 48 for permission that the various clauses may be put separately and may be dealt with separately."

Mr. A. Ramaswami Mudaliyar seconded the motion.

The motion that the various clauses be dealt with separately was put and agreed to.

New Standing Order after No. 79.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"Mr. President, the report of the Select Committee deals with various amendments which were put forward by the Honourable Members of the House. The first amendment relates to the appointment of a House Committee, notice of the motion for which was given by the Hon'ble Sir Lionel Davidson. The Select Committee having considered the subject came to the conclusion that there ought to be two alterations in the proposition as at first proposed. The first alteration was in regard to the mode of proportional representation. In the motion as originally proposed the method of election according to the principle of proportional representation was left indeterminate. It is well known to the members of this House that the Hon'ble the President has in virtue of the powers vested in him framed certain rules for the exercise of this right of election by proportional representation. The object of the first amendment is to introduce the following words:—

'and in accordance with the regulations framed in this behalf by the President.'

for the purpose of making that matter quite clear. The second alteration made in regard to that clause was:—

'in addition to the above, two members may be nominated to the committee by the President at his discretion.'

"It was considered in the Select Committee that election by the principle of proportional representation though it is designed to bring into the number of those voted for as many divergent interests as possible may yet fall short of the ideal. In order to make good any shortcomings in this respect it was thought necessary and expedient that the President should have the power of nominating two persons if he so chooses. These are the alterations and the altered motion would run as follows:—

1. *After Standing Order No. 79 add the following:—*

'80. There shall be appointed at the commencement of each session, a House Committee to consider and advise upon all matters connected with the

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comfort and convenience of Members of the Council, which shall consist of the Deputy President as ex-officio chairman and six members to be elected by the Council, on a date to be fixed by the President, according to the principle of proportional representation by means of the single transferable vote, *and in accordance with the Regulations framed in this behalf by the President.* In addition to the above, two members may be nominated to the committee by the President at his discretion. The Secretary to the Council will be ex-officio the Secretary of the Committee."

Mr. A. Ramaswami Mudaliyar seconded the motion.

The motion that the new Standing Order be inserted after No. 79 was put and agreed to.

Standing Order No. 13.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"Sir, the second amendment arises out of the motion by Mr. A. S. Krishna Rao in regard to a reasonable opportunity being given to the members to amend questions. Now it is well known that we are governed by two sets of rules, viz., the Legislative Council Rules framed under section 129-A of the Government of India Act in regard to which the power of alterations is vested not in us but in other bodies and persons and also by the Standing Orders. In so far as the question infringes the rules the President has no option but to disallow; but in so far as it infringes the Standing Orders, provision is made to take advantage of this motion by Mr. Krishna Rao to change the Standing Order in order to enable the President to amend the question in proper and legitimate cases. The amendment to the Standing Order is to add the following sentence at the end: 'Where the question is, in the opinion of the President, in contravention of the Standing Orders, he may in his discretion give the member concerned an opportunity of amending it.' I think there will practically be no controversy on a matter of this kind."

Mr. A. RAMASWAMI MUDALIYAR:—"I beg to second the motion."

The amendment to the Standing Order was put and agreed to and the Standing Order will now run thus:

"13. The President shall decide on the admissibility of a question and may disallow any question when in his opinion it is an abuse of the right of questioning or is in contravention of the Standing Orders and shall disallow any question which, in his opinion, contravenes the rules. Where the question is in the opinion of the President in contravention of the Standing Orders he may in his discretion give the member concerned an opportunity of amending it"

Standing Order No. 23 (1).

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"Mr. President, Sir, we next come to certain Standing Orders in regard to which notices of amendment were given by the Hon'ble the Law Member. The first of these relates to Standing Order No. 23, and it has reference to a motion for the adjournment of the House. The amendment as proposed by the Hon'ble the Law Member was that instead of the word 'four o'clock', that is the commencement of the discussion on the motion for the adjournment of the House, instead of that commencing at 4 o'clock, ought to commence at 3-30 and that the discussion should go on till 6-30, so that three hours might be devoted to that subject. In the Select Committee by a majority the conclusion was arrived at that it was not possible to extend the time so as to begin the discussion at 3-30, but that the discussion might be taken up at 4 o'clock and might proceed until 6-30; that means two and a

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half hours. It is a matter of detail and I don't think it is necessary for me to say anything more on that. That may be tried and we may see how it works before any further action is taken."

"The Standing Order as amended runs as follows:—

'23. (1) The debate on a motion to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at 6-30 p.m., and thereafter no question can be put.'

Mr. A. RAMASWAMI MUDALIYAR :—"I beg to second the motion."

The Hon'ble Sir LIONEL DAVIDSON :—"Sir, I should like to support the motion with special reference to what took place during the debate on the motion for adjournment with reference to the affairs in Calicut the other day. I do not think the members of this House realized at that time so fully as they do now that, if it is desirable to obtain in a complete form an expression of the sense of this House on a motion for adjournment, it is necessary to take effective steps to prevent such a motion from being talked out. I feel very confident myself as to what the result of a vote on that occasion would have been and I blame myself for not having foreseen the possibility of the motion being talked out before this House had an opportunity to record its vote."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I beg to support the motion, Sir. I would only point out to the Hon'ble Sir Lionel Davidson that sometimes the procedure of talking out motions is adopted not only by the opposition but by the Government itself."

The Hon'ble Sir LIONEL DAVIDSON :—"I am quite alive to that fact, Sir. But that was not the case this time. The last speaker was Mr. Govindaraghava Ayyar."

The amendment to the Standing Order No. 23, clause 1, to *substitute* '6-30 p.m.' for 'six o'clock' was put and agreed to.

Standing Order No. 23 (2).

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) :—"Mr. President, Sir, the next amendment relates to the discretion to be vested in the President in regard to the time limit of speeches. As the amendment was originally proposed by the Honourable the Law Member, he desired to vest in the President the discretion of extending the time limit for speeches in regard to all the speeches during a motion for the adjournment of a debate. It was considered in the Select Committee that, whilst it was quite true that the mover of such a motion might require much more than the time limit fixed by these rules inasmuch as he might have to explain himself fully and explain the circumstances under which such an unusual procedure as the adjournment of the House is attempted to be set on foot, and whereas also it was conceived that the Government Member or the Minister, as the case may be, might exceed if he found it absolutely necessary to exceed the time limit in order to explain the policy which was in question under the adjournment motion, it was wise, having regard especially to the 2½ hours which is the sum total of the time allowed for the discussion, and the further fact that there are 127 members in this House, and having regard to many other similar circumstances put together, that the exceeding of the time limit should be possible only in the case of the mover and the Government Member in charge on the other side, but that in other cases the President, in order to save himself the invidiousness which might ensue as the result of the deflection from the rules, might not be given that discretion, the discretion being exercisable only in the cases already indicated by me."

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Mr. A. RAMASWAMI MUDALIYAR :—"I second the motion."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I should like to suggest to the Honourable the Advocate-General the desirability of limiting the further extension of the time for the mover and the Government Member to a reasonable period, say for ten minutes, over the original fifteen minutes allowed under the rules. As a matter of fact, referring to the debate on the Calicut question, the Hon'ble Sir Lionel Davidson took up 55 minutes on that date. Of course I don't blame him for that."

The Hon'ble Sir LIONEL DAVIDSON :—"I did it, Sir, with the permission of the President and at the desire of the House."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Yes, Sir. I quite recognize it was with the permission of the President. I don't say that he continued to speak without the leave of the House. But I must point out that as he took up 55 minutes the other members of the House had only 45 minutes at their disposal. Therefore looking at the fact that every section of the House should have a reasonable opportunity, I would suggest a slight amendment—I leave the wording to the Hon'ble the Advocate-General—that the extension should not be more than ten minutes in addition to the fifteen minutes which the mover and the Government Member have already got. I am only suggesting this to meet the convenience of all parties concerned."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I do not certainly oppose the amendment proposed by the Advocate-General. I make a suggestion for the consideration of my honourable friend the Advocate-General whether instead of restricting the time limit in any way, we should not leave it entirely to the discretion of the President."

The Hon'ble the PRESIDENT :—"I do not want to participate in the debate, but I do hope that the Council will note this thing. I do not think it is ordinarily necessary for other members to have more than that time, but to leave the whole thing to me puts upon me a burden which it is hardly fair that I should bear. Of course I am prepared to bear any burden which is really necessary, but if it is not necessary I should rather avoid it. It is very kind of the Honourable Member to think that I should be allowed that kind of discretion."

Diwan Bahadur M. KRISHNAN NAYAR :—"Then I don't press it."

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) :—"I greatly regret my inability to accede to the suggestion of Mr. Ramachandra Rao for this reason. Now, it is conceivable that a matter of first rate importance might come up involving practically the entire policy of the Government in regard to a very wide range of subjects. I don't say that the discretion that is exercisable by the President will be unreasonably exercised but at the same time the President will, having regard to the importance of the subject, be in a position to exercise it somewhat differently according to the range and the extent of the importance of the subject and the character of the debate. To guillotine either the mover or the Government Member in the midst of a peroration, for instance, might incapacitate him from achieving the end in view. It is possible that half way through any enunciation of policy the guillotine may come. These are circumstances which are pertinent and must be remembered in the case of the mover and the Government Member. It is possible in the case of every other person who has to compress his remarks and practically to follow the one party or the other who has the conduct of the debate, to say a certain thing definitely and in a crystallized form. But

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to explain by facts and figures the whole policy of Government might not be within the range which is contemplated by the Honourable Member for Kistna. It is in regard to that view and in the full confidence that the President will keep in view the circumstance that there are 127 Members and will not allow the Government Member and the Mover to monopolise the whole time, that the matter was left in the position in which it has been left."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I would formally put this matter before the House by moving that the words ' by not more than ten minutes ' be added at the end of that proposed amendment. I think 25 minutes ought to be enough for the most strenuous advocate of Government or for any gentleman who wishes to make a motion of this kind."

Mr. C. V. S. NARASIMHA RAJU seconded the above further amendment.

Diwan Bahadur T. DESIKA ACHARIYAR :—" Mr. President, I oppose the amendment. There is absolutely no use in trying to extend the time given to the Mover or the Government Member by means of a proposition of this kind. It must be left, as pointed out by the Advocate-General, entirely to the discretion of the President to ascertain when exactly the guillotine should drop. There is no use extending the time at all, but we might once for all say ' either don't extend the time or leave it to the President. ' In the circumstances, therefore, I am constrained to oppose the amendment."

Mr. SAIYID MUHAMMAD PADSHA SAHIB :—" I heartily support the amendment moved by the Hon'ble Mr. Ramachandra Rao. I think it is indispensable that a time limit should be fixed. Otherwise it might happen that, when all the 127 Members of the House or a major portion of it are inclined to express their views upon the subject, only the Honourable Mover and the Member speaking on behalf of the Government may get a chance and no others. On a subject of public importance, on a subject which justifies all the other business of the House being put off, it is necessary that almost all the Members of the House should be given an opportunity to express their views. Speaking for myself, Sir, I was sorely disappointed the other day when the motion regarding the arrest of Yaqub Hasan and other gentlemen in Malabar was being discussed in this House. I was very anxious to make my observations public on the matter, but I was sorely disappointed that I had not any opportunity given to me."

The Hon'ble the PRESIDENT :—" Did the Honourable Member rise in his seat the other day to speak ? "

Mr. SAIYID MUHAMMAD PADSHA SAHIB :—" No, Sir, I did not rise since other Members were speaking and the time at our disposal was not enough. When such was the case at a time when the mover and the Government Member were not entitled to any concession given, it would be more disastrous if they were given a special concession or allowed to occupy the whole time set apart for the debate. Now, all the disastrous consequences that are apprehended by the Hon'ble the Advocate-General are merely imaginary. Instead of tending to stop a Member speaking on behalf of Government in the midst of his speech, instead of stopping him short of his peroration and spoiling the effect of his speech. . . . "

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) :—" I did not refer merely to the Government Member but to the mover also."

Mr. SAIYID MUHAMMAD PADSHA SAHIB :—" I am glad to be corrected. I believe any one is more apt to be stopped in the midst of his speech when no time limit is fixed than when there is a limit. When the limit is prescribed, any

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member who wants to express his views on the matter will adjust himself according to the time allowed him to speak. I believe this will have a more wholesome effect than leaving the matter indefinite."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I also think that it is not necessary to amend this motion in the form in which it was put by Mr. Ramachandra Rao, because I think in cases of this sort we must give sufficient latitude to the President to guide the debate. But I venture to go a step further and suggest that the motion of which notice was given by the Honourable the Law Member is more acceptable. It is not necessary to restrict it to the mover or the Government Member, but the President can be given discretion to extend the time for other members. I would if you have no. . ."

The Hon'ble the PRESIDENT :—"Order, order. We are dealing with one amendment. The Honourable Member should confine himself to that amendment. If he wants to move another amendment it must be done at a later stage. It is Mr. Ramachandra Rao's amendment which has now the field."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I shall do so later."

Mr. T. A. RAMALINGAM CHETTIYAR :—"Sir, I beg to oppose the amendment for this reason. The very object of the motion for adjournment is to draw the attention of the House to an important matter, and there are many important matters in which the mover or rather the Government Member may be able to inform the House of all that has taken place, or it may be necessary to ask the Government for a definition of their policy in regard to that matter. The main object, I take it, is to draw the attention of the House and get a reply from the Government. If in a case like this we are to provide for a full debate, I think we are misconceiving the object for which this motion is intended. We ought to have full information both from the mover and the Government. So they ought to be allowed as much time as is necessary for the purpose. As it is not possible for us to fix the time, I would even go further and say that no time limit need be fixed; but the amendment that is proposed does not go even so far. All that it says is that discretion should be vested in the President. I think it is a very modest proposal and I am sorry that my friend Mr. Ramachandra Rao should have moved it and I say that it goes against the construction of the motion as provided in the rules."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I beg to withdraw my amendment."

The further amendment to add the words 'by not more than ten minutes' was, by leave, withdrawn.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I wish to move that in place of the words 'the Mover and the Government Member', 'any Member' may be substituted. My reasons are these. I think we must give the President sufficient latitude as to the extension of time in the case of any Member without restricting it to the mover and the Government Member. Last time the case was unusual. One Member may have given notice of a motion, but others may have more personal knowledge. The mover may finish his speech in five minutes and state his case as briefly as possible leaving it to some one who has personal knowledge of the subject to give a fuller account of the whole matter. Suppose a case of that sort arises. Why should the President's hands be tied? So may I suggest that, while allowing the mover as much time as he may require to make a statement of the case, the President may have discretion also to allow more time to other Members to make their observations. Otherwise it will be unduly restricting the powers

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of the President. And there are cases in which much fuller information upon the particular subject than can be given by the mover might be furnished by other members, of which the House ought not to be deprived. Therefore, I move the proposition in these general terms."

Rao Sahib U. RAMA RAO seconded the motion.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*):—"I have to oppose this suggestion for this reason. *Ex hypothesi*, all these motions for adjournments are on important subjects. Dealing with an important subject, every Member of this House who is acquainted with the subject, or who has acquainted himself with it, will be full of it, and if he is allowed to have his say without any restriction of time, it is possible that entirely unconsciously, he might not be doing justice to his fellow-members. It is only in relation to a circumstance of this kind and on account of the feeling that it is as well that every one should have as much time as possible for his say that the motion has been brought forward in the present form."

Mr. S. SOMASUNDARAM PILLAI:—"I strongly support the amendment for this reason. Because the President is given full discretion to allow any Member to proceed if he talks good sense, but if he speaks nonsense the President has got every power to ask him to sit down. So it is rather uncharitable to give the President discretion only in regard to the Mover and the Government Member and deny the same right with regard to others. Of course it may be said that it is objectionable. But, when a Member is stopped just in the middle of a sentence and is not allowed to finish it because the minute is reached, it may not have any sense. But if he is allowed to finish it he may exceed his time. So it is better to give full discretion to the President to exercise it in the case of other Members also instead of restricting it to the Mover and the Government Member."

Mr. K. GOPALAKRISHNAYYA:—"Sir, I beg to oppose the amendment. The object of any special motion brought forward for adjourning the business of the House will be defeated if unrestricted time is given to Members. Of course the Honourable the Advocate-General has pointed out that the Honourable Mover of a motion and also the Government may require more time in order to explain their own position and if no time limit is placed upon the speeches of the Members, the full period of 2½ hours now provided under the amending rule will be quite inadequate and the object of the rule will be frustrated, and I fully believe that the time limit would be of much use to the House. Otherwise, the special motion will be only talked out in the House and nothing will be decided. I think that the time limit provided in the present rule should be made adequate and that as proposed by the Hon'ble the Advocate-General no other Member except the Mover and the Opposer should be allowed to exceed that time limit."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, I am in general agreement with my Honourable friend the Advocate-General for exactly the reason which has been stated by you just a few minutes ago in answer to my friend Mr. Krishnan Nayar. It is only on a motion of this kind when everybody wishes to say something useful to this Council that it is necessary to have the time reasonably distributed. I believe, Sir, as I have just observed, it is far better to have a rule and it will give greater satisfaction. I think the Hon'ble the Advocate-General has gone as far as he could to have a clear statement placed on both sides by permitting the mover and the Government a longer time than in other cases."

Mr. A. S. Krishna Rao's amendment was put to vote and lost.

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The President then put to the vote the following amendment to Standing Order No. 23 (a) moved by the Advocate-General and declared it carried unanimously :—

Standing Order No. 23 (2) as amended :—

“No speech during the debate shall exceed fifteen minutes in duration, provided that it shall be within the discretion of the President to allow the mover and the Government Member answering him to exceed the said limit of time.”

Standing Order No. 55.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) then moved the following amendment to Standing Order No. 55 :—

Add the following sentence at the end of Standing Order No. 55 :—

“Where the resolution is in the opinion of the President in contravention of the Standing Orders, he may in his discretion give the Member concerned an opportunity of amending it.”

In doing so, he said :—“Mr. President, Sir, the next amendment is to Standing Order No. 55, that is with reference to the amendment of resolutions. In view of what I have stated regarding the amendment to questions which was unanimously carried by the House, it is needless for me to reiterate the same argument and I put it before the House without any further remarks.

Standing Order No. 55 as amended :—

“55. The President shall decide on the admissibility of a resolution and may disallow any resolution when, in his opinion, it does not comply with the Standing Orders, and shall disallow any resolution which in his opinion contravenes the rules. Where the resolution is in the opinion of the President in contravention of the Standing Orders, he may in his discretion give the Member concerned an opportunity of amending it.”

Mr. A. RAMASWAMI MUDALIYAR :—“I second the amendment.”

The amendment was put and agreed to.

Standing Order No. 56.

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) then moved the following amendment to Standing Order No. 56 :—

Insert the following as clause (3) in Standing Order No. 56, renumbering the existing clause (3) as clause 4 :—

“It shall be open to the Council to allow a resolution withdrawn under clause (1) (a), or deemed to have been withdrawn under clause (2), of this Standing Order, to be moved by any other Member.”

In doing so, he said :—“Sir, the next amendment relates to Standing Order No. 56 which runs as follows :—

‘56. (1) A Member in whose name a resolution appears on the list of business shall, when called on, either—

(a) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect; or

(b) move the resolution.

(2) If the Member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn.”

“Now, the object of this amendment is that, where it is withdrawn by the Member so saying, or is considered to have been withdrawn under that Standing

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Order, it should still be open to the Council if it considers that the resolution is such that the discussion of it would be profitable and expedient in the interest of the Council and the country, to permit any other, or other Members, to start the discussion on that resolution, but the discretion of allowing that discussion to be started is vested in the Council. If the general wish of the Council is that notwithstanding that a resolution is withdrawn specifically by the Member who brought it forward but who from considerations which he might or might not desire to lay before the Council wants to withdraw that resolution, or if a resolution is deemed to be withdrawn by the operation of the rule which I have just now read, nevertheless it should be discussed, it should have the power to allow it to be discussed and adopted, and it is in view to compass that end that the amendment is now proposed as follows:—

‘It shall be open to the Council to allow a resolution withdrawn under clause (1) (a), or deemed to have been withdrawn under clause (2) of this Standing Order to be moved by any other Member.’”

Mr. A. RAMASWAMI MUDALIYAR seconded the motion.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—“Sir, without either opposing or supporting the resolution, I am anxious to bring to the notice of honourable members the practice in Parliament, that except in the case of Ministers, who are a collective body, a unit in themselves, no member of Parliament is entitled to entrust his duties to any other member or to ask him to move a resolution standing in his name, whether on account of his being unable to attend or for any other cause. I would invite attention”

The Hon'ble Rai Bahadur K. VENKATA REDDI NAYUDU (*interrupting*):—“I think, Sir, the motion before the House is as regards motions which are either withdrawn or are considered to have been withdrawn and not in the case when one member is absent and has asked another to move it for him.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU (*continuing*):—“Sir, I would invite the attention of the honourable members to page 244 of Sir T. Erskine May's ‘Parliamentary Practice’ where it is stated that ‘except in the case of a motion for a leave of absence, and of a notice standing in the name of member of the Government, which may be moved by a colleague, no notice of motion, or amendment which requires notice, can be moved by a member other than the member in whose name the notice stands’.

“I think, Sir, that this is a very sound rule. Speaking from my experience of motions which have been moved by members during the absence of other gentlemen who had given notice of them, I must say that this practice of moving resolutions on behalf of other members has not much to commend it. In some cases the honourable member who is entrusted with the duty may not be exactly in the same position to give satisfaction to the House as the original member who gave notice of the motion would have been. I need not refer to practical instances of this. As we are now adopting parliamentary procedure or trying to adopt it, I think it is desirable that if the resolution is not moved by the member who gave notice of it, the resolution should drop and the absentee should be left to take the requisite steps again to bring it before the House. The idea underlying the amendment is that if a motion is standing in the notice paper and the member who gave notice of that motion is absent when called on, some other member may move it in the Council. I simply point out these facts and ask whether there is any advantage in having this amendment. It certainly to some extent extends the privilege of members. I am equally aware of the fact that there was such a

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provision in the old rules. But the question is whether with the House that we have now it is desirable to have such a practice. I also say this: that it was pointed out by the Hon'ble Sir Lionel Davidson during the last sitting of the Council that some inconvenience was caused to the members of Government by resolutions being tabled which are not proceeded with in the Council. But it is a fact that they have to put up with some amount of inconvenience. With due deference to the Honourable Members of the Government, I think they should not complain that they are overworked in regard to the proceedings of the Council. They are there for this purpose and they must take the work as it comes. On the other hand I see also a duty on the part of the honourable members of this House to give timely notice that a particular resolution is not ready to be proceeded with, so that the honourable members of Government may not examine the question unnecessarily for the purpose of that meeting. Therefore, I suggest that if there is a contingency of the resolution not being proceeded with, the member who sends the resolution should intimate as early as possible this fact to the member in charge of the department with which the resolution is concerned. I am inclined to deprecate the present proposal and if the members think that this is a necessary expansion of their privileges by all means it is open to them to have it. So far as I can see, there is difficulty either way. I think the sound policy is not to have this rule."

Diwan Bahadur M. KRISHNAN NAYAR :—" I support, Sir, the motion that has been placed before the House by the Advocate-General. My friend, Mr. Ramachandra Rao, has stated that in Parliament the practice is otherwise except for Cabinet motions. No doubt we are approximating to the procedure followed in Parliament. But there are many detailed regulations enforced in Parliament which have not been adopted by this Council. And with reference to this particular amendment I believe that all the conditions are in favour of the amendment suggested by the Hon'ble the Advocate-General. There may be occasions on which a member who has given notice of a motion of a very important character may be unavoidably absent from the House when that particular resolution is reached on account of some circumstance over which he has no control, e.g., on account of sudden illness. On the last occasion, that is, in February, when some of the members who had sent in resolutions were absent when they were reached, I was sorry that some other member present in the House could not move them. Some of them were, in my opinion, very important. I believe also that it is not likely that if the amendment now suggested is passed, every resolution which has to be withdrawn or considered to have been withdrawn will be moved immediately by an Honourable Member present. I believe the advantage will greatly be in favour of allowing the amendment to go forward."

Diwan Bahadur T. DESIKA ACHARIYAR :—" Mr. President, Sir, I support the amendment proposed by the Hon'ble the Advocate-General. It is absolutely necessary that in a matter which is of sufficient importance to be the subject matter of a resolution this House must be given the discretion to have the resolution thoroughly discussed in the Council. When members receive notice of the business for a meeting, they take the trouble to examine each resolution and they come here prepared either to support or oppose it. Likewise the Members of Government are put to a considerable amount of trouble in discussing the various bearings of each resolution. It is therefore necessary, once for all, to have such resolutions discussed and decided upon at a meeting, if it is possible to do so. It will also make members stick to the resolutions of which they have given notice instead of absenting themselves or withdrawing them at the psychological moment.

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I do think, therefore, that it will be conducive to efficient business being done in the Council to allow any resolution of importance to be taken up at the discretion of the Council by other members, so that a decision may be arrived at once for all."

Diwan Bahadur P. KESAVA PILLAI:—"Mr. President, Sir, my friend, Mr. Ramachandra Rao, began by saying that he would neither support nor oppose the motion. But he ended by opposing it. I think the analogy between the House of Commons and our House counts for very little. They have 640 members and we have only 127 members. We have not got full responsible government yet. I think that the procedure suggested by the Hon'ble the Advocate-General will be welcome to this House. In the old Council when one member was unable to move a resolution, his fellow member would at once undertake the business and carry on the discussion. I think this House should have the same privilege."

Mr. A. T. PALMER:—"I heartily welcome this amendment to the Standing Order No. 56, because I was lately a victim to the existing rule (laughter). I sent in a notice of an important resolution; but owing to circumstances over which I had no control, I could not attend the meeting and as a result the resolution was thrown out, though I am glad to say the resolution has had the desired effect on the authorities even without my moving it."

The Hon'ble the PRESIDENT:—"Order, order. We need not go into the merits or the subsequent history of any past resolution."

Mr. A. T. PALMER:—"I beg your pardon, Sir. There are occasions when Members who have given notice of resolutions are compelled to be absent and yet the resolutions may be of very great importance. That such resolutions should die out just because the members are absent seems to me to be very unjust. I think this House should have the power to discuss such resolutions even though the members may be absent or though they may not be willing to bring them up. I therefore support this amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am sorry I cannot agree with my friend Mr. Ramachandra Rao. To oppose it is practically to take away one of the privileges conferred upon this House. It does not confer any particular privilege upon any member of this House. It does not enable a member of this House *ipso facto* to transfer his right to move a resolution to another member. It gives the Council the power to allow any member to move a resolution when it has been withdrawn or deemed to have been withdrawn under Standing Order No. 56. Is the Council not to have the privilege of discussing an important matter simply because the member who has given notice of it is absent? I think the amendment before the House embodies a salutary provision."

Mr. M. D. DEVADOSS:—"I move that the question be now put."

The motion for closure was then put and carried.

The amendment to Standing Order No. 56 was put and carried unanimously.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"May I know when my amendment will be taken up, Sir?"

The Hon'ble the PRESIDENT:—"The Honourable Member will please wait."

Standing Order No. 77.

The ADVOCATE-GENERAL:—"The next amendment runs as follows: After the words 'Deputy President' in the fourth line *add* 'the Advocate-General (when he is a member of the Legislative Council)' and *substitute* 'six' for 'seven' in the fifth line.

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“This is an addition to Standing Order No. 77. The Standing Order No. 77 relates to the personnel of the Select Committee. This amendment is to add to that Committee the Advocate-General when he is a member of the Legislative Council. It hardly becomes me to make any remarks on this and I leave its consideration to the House.”

Mr. A. RAMASWAMI MUDALIYAR :—“I beg to second the motion.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“I beg to support the motion. It is hardly necessary for me to say anything on it. The Advocate-General is indispensable in all committees and it is surprising that he was omitted in the original framing of the rules.”

The motion was then put and carried.

Standing Order No. 60.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“Mr. President, Sir, I move that Standing Order No. 60 be omitted. Standing Order No. 60 says :—

‘(1) If a copy of such amendment has not been sent to the Secretary two clear days before the day fixed for the discussion of the resolution, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this order, allows the amendment to be moved.

‘(2) The Secretary shall, if time permits, cause every amendment to be printed, and send a copy for the information of each member.

“To appreciate my position, it is also necessary for me to draw the attention of the Council to the previous Standing Order, Standing Order No. 59, which says : ‘When a resolution is under discussion, any member may, subject to all the rules relating to resolutions, move an amendment to such resolution.’ Though there is this Standing Order, it also makes it incumbent that the amendment must satisfy all the requirements relating to the resolution and the President has the same power to decide on the admissibility of the amendment as he has to decide on the admissibility of the resolution. If the amendment does not comply with all the requirements, the President has discretion to disallow it, and if it is contrary to the rules, it makes it obligatory upon him to disallow the amendment. When Standing Orders Nos. 55 and 59 are in force, I fail to understand any necessity for the retention of the Standing Order No. 60 which makes it obligatory upon a member to send to the Secretary a copy of the amendment two clear days before the day fixed for the discussion of the resolution. Sir, I wish to point out that no such restriction existed in the previous Legislative Council Rules. The previous Legislative Council Rules provided that while a resolution was under discussion, any member might move an amendment, no doubt subject to the rulings of the President. I cannot understand why, when conferring larger powers upon members there should be this restriction embodied in the Standing Orders. I have another reason to urge on this occasion. We do not find in the Standing Orders any provision requiring the Secretary to circulate a list of business a particular number of days before the sittings of the Council. Standing Order No. 6 merely says ‘A list of business for the day shall be prepared by the Secretary and circulated to all members.’ In the previous rules there was a restriction that it should be circulated two clear days before the Council met. How do we stand now? Members of this Council will kindly remember that it has not been possible for some of the resolutions being in the hands of the members in sufficient time to enable them to give two days’ notice. When a resolution was under

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discussion on the 5th of this month, it was pointed out that the notice of the resolution had reached the hands of the members only the previous day. It was, therefore, physically impossible for any member to conform to the rules requiring two days' notice. Again, it will be remembered that the agenda for to-day comprising two new resolutions was circulated to us only yesterday. If Standing Order No. 60 is applied and if two days' notice is required, we have to rely entirely upon the discretion of the President for suspension of the operation of the rule. Therefore I think that so long as there is no rule requiring the Secretary to give a definite notice of every resolution and some days before the meeting of the Council, it is not fair that there should be restriction only on members wishing to move amendments. No such provision existed in the previous rules and I think it is not fair to curtail now the privileges of members. I therefore move that Standing Order No. 60 be omitted."

Rao Sahib U. RAMA RAO :—"I beg to second the motion."

Rao Bahadur A. P. PATRO :—"Mr. President, Sir, I beg to support the amendment of Mr. A. S. Krishna Rao. I think the Standing Order curtails the liberties of members in moving amendments. When the agenda paper is put into our hands the previous day, it is not possible for us to give two days' notice of the amendment. It seems to me from a commonsense point of view—and I cannot say anything about the practice before—that is absolutely necessary that this Standing Order should be omitted. In congresses and conferences, what happens is that as soon as a resolution is moved, an amendment may be brought in. Even from the ordinary commonsense point of view, it seems to me very reasonable that a member of the House should have an opportunity of bringing an amendment when a resolution has been moved. To give two days' notice means practically to shut him up, and there is no chance of some amendments being moved, whatever may be their importance. The two days' notice, especially when the agenda paper is not circulated earlier, seems to me to be undesirable."

The ADVOCATE-GENERAL :—"Mr. President, Sir, the Honourable Member from Nellore has furnished excellent reasons why there ought to be an amendment to Standing Order No. 60, i.e., to the effect that the list of business should be in the hands of the members before a stated time and should not be sprung upon the House all at once. But it seems to me that to deal with the question as if the existence of Standing Order No. 6 somehow dispenses with the existence of Standing Order No. 60 is, if the Honourable Member, will permit me to put it in that way, somewhat illogical. Moreover the honourable member will notice what Standing Order No. 60 really says. There may be amendments to resolutions which may absolutely improve these resolutions out of all recognition, and they may be of a very far-reaching character. It is necessary that members who have equipped themselves for the discussion of the resolutions should not be, so to say, taken off their balance by any such amendment being sprung upon the House. The object of Standing Order No. 60 is to prevent that contingency. And how does it seek to prevent it? In the first place, if the copy of the amendment has not been sent to the Secretary two days before the day fixed for the discussion of the resolution, the procedure that is contemplated is that any other member who complains of that amendment having been sprung upon the House may object to that amendment being taken up for consideration. Then that objection is to prevail. I take it that if members think that the amendment is of a formal or trivial character or one not affecting the fundamentals of the resolution, they will not take such objections. But if they do take such objection, the objection shall normally prevail. I take it that the object of these rules is to see that every

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member is adequately prepared for the subject. Nevertheless, it is provided that if the President is of opinion that the amendment might with advantage be discussed, then there is the discretion vested in him to allow the amendment. It seems to me that the safeguards underlying this Standing Order are such that it will scarcely lead to abuse. I perfectly well conceive that where the agenda is suddenly sprung upon the House, there will be complaint. Then the Honourable Member from Nellore, Mr. A. S. Krishna Rao, would be perfectly within his right in bringing a proper amendment as to the agenda paper. To take away the rule itself and to curtail the rights conferred upon other members of the House is not to proceed in the right way."

The Hon'ble the PRESIDENT:—"I hope honourable members will excuse me for interrupting. It is in contemplation to alter the procedure in regard to the practice prevailing in the House, so as to remedy the inconvenience which the honourable members have referred to. I do not want in any way to intervene in this particular debate; but it will probably facilitate the business if I inform them of what is proposed to be done. Till now we have been pursuing the old practice under which the Legislative Department formed a portion of the Secretariat and a great deal of work used to be done by it which should have been done in the Secretariat. So the arrangement was that it was only when the departments concerned were ready that these notices went into the agenda. Arrangements are being made by which, in future, questions and resolutions, as soon as they are admitted by the President will go into the notice paper, which will be communicated to all the Honourable Members, so that they may know what questions and resolutions have been admitted. That will be irrespective of the date when the questions will be answered or the resolutions will be taken up. In regard to the answering of the questions, we have to depend greatly upon the Government. They will have to furnish answers. So in regard to the agenda for a particular day, the questions will appear only when the Government answers are received and as regards resolutions, arrangements will be made by me as to whether they will have to be balloted or not. I think when this is done it will meet the inconvenience which the Hon'ble Mr. Patro has referred to. A member who sees a resolution may at once give notice of his amendment and the amendment will be put along with the resolution on the agenda. I hope I have made myself clear to honourable members. In view of this explanation, Honourable Members may proceed with the discussion on the subject."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Mr. President, Sir, the statement made by you just now has altered the situation very greatly. Considerable inconvenience was felt during the last sitting as well as in the present one on account of the uncertainty as to which resolutions or which questions would come up before the House on a particular day. Unless we have a clear notice of the state of business that is likely to come up before the House on any particular day—I hope I am expressing the general sense of the House—we shall be put to great inconvenience. It seems to me that we may adopt to the extent that it is possible to adopt, the general procedure adopted in the House of Commons of keeping the House informed of all stages of the work proceeding in all the departmental activities. There is also another list there showing the various committees sitting in various parts of the House. They are all put up on the notice board and a copy is sent to all the members, so that they will be in a position to know what is the exact stage of a particular topic or a piece of legislation. As regards resolutions I am glad to know that a different practice is to be adopted of communicating to members, whether residing here or in the

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mufassal, a copy of the resolutions as soon as they are admitted, and that a separate agenda of the business tabled for each day will be issued from day to day. Unless some such arrangement is made, I must confess that we shall work under rather difficult circumstances. If this new procedure is adopted, it is reasonable to expect Honourable Members to give timely notice of the amendments they intend to move. As a matter of fact, these amendments to Standing Orders were placed in our hands only last evening and to expect two days' notice being given of any amendments to them is unreasonable."

The Hon'ble the PRESIDENT :—" So far as these amendments are concerned we have considered all the amendments including those of which two days' notice has not been given."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" That is due to your indulgence, Sir. That is quite a different matter. So far as the rules are concerned, I think all these matters have to be considered."

" I wish to mention one other matter with your permission, Sir. That is with regard to the publication of the proceedings of the Council. It is a matter of the utmost importance that the printed proceedings are issued by the Legislative Department as early as possible. The last meeting of the Council was on the 14th February and we have not yet received copies of the proceedings of that meeting. They are frequently required for reference, especially the budget proceedings and the statements made by the Hon'ble the Finance Member, the Ministers and the other Honourable Members of the Government. They are relevant to the discussion on the 21st instant. I, therefore, submit, Sir, that arrangements may be made to place the proceedings in our hands as early as possible after a meeting is over. I also venture to suggest that they may be in the form of Hansard, which is also the form adopted in the Legislative Assembly and the Council of State, and not in the oblong gazette form which is absolutely useless for purposes of reference."

The Hon'ble the PRESIDENT :—" I can only say now that the whole machinery is new and that the Secretary will try to work up and after a time it will become all right. In regard to the particular matter referred to by the Hon'ble Mr. Ramachandra Rao I may say that the proceedings of the Council from the 14th to the 17th February have been sent finally to the press and that they will be issued in the next gazette and subsequent proceedings will be issued shortly. The Honourable Member is an old member and he will remember that in the olden days it used to take three months; so that I think the advance from three months to one month is progress for the time (Laughter). I quite appreciate, at the same time, the inconvenience caused to the Honourable Members by their not having the proceedings in time. While I am willing to put pressure upon the Council Office, I would request Honourable Members, whenever they receive speeches for correction, to return them with sufficient promptitude. I can quite understand the position in which Honourable Members find themselves whenever a speech is put in their hands for approval which, either through the carelessness of the reporter or upon the Honourable Member's further reflection, requires correction. Whatever it may be it is necessary that Honourable Members should treat these references as urgent and I take this opportunity of making this appeal with particular emphasis to the Members of His Excellency's Government who I believe have to make lengthy speeches and from whom therefore the greatest assistance is always expected by the Secretary and I hope that all Honourable Members will co-operate with the office. If they do that, the proceedings can be got out very early."

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"In regard to printing the proceedings in book form, that also has been considered and I understand from the Secretary that the change will be carried out after the recess. The press has started it in a particular form for the present session and it is now therefore impossible to go back upon it. As soon as we re-assemble after the recess, it will be possible to issue proceedings in the form desired by the Honourable Member.

"Does the Hon'ble Mr. Krishna Rao press his amendment in the light of what has taken place?"

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I do not think it necessary to press my amendment in view of the new arrangement which has been announced."

The amendment was by leave of Council withdrawn.

New Standing Order No. 80 and Standing Orders Nos. 13, 23, 55, 56 and 77, as amended, were on the motion of Mr. C. P. Ramaswami Ayyar (Advocate-General) seconded by Mr. A. Ramaswami Mudaliyar declared passed.

The Hon'ble the PRESIDENT:—"It will now be my duty under section 72 (D) (7) of the Government of India Act to submit these amendments to Standing Orders to His Excellency the Governor for his assent which I hope to communicate at a later sitting of the Council."

III

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

The Hon'ble the PRESIDENT:—"The Council will now proceed to deal with the resolutions on matters of general public interest and preference will have to be given to the resolutions adjourned from a previous meeting of the Council—two resolutions, one by the Hon'ble Member Mr. A. S. Krishna Rao and the other by the Hon'ble Member Mr. P. Siva Rao.

"I may remind the Council that the resolution moved by the Hon'ble Member Mr. A. S. Krishna Rao was:—

Transfer of an eighth share of excise revenue to local bodies—cont.

'15. That this Council recommends to the Government to transfer to the district boards an eighth share of the excise revenue collected within their respective areas.'

"That was seconded by the Hon'ble Member Mr. T. M. Narasimhacharlu.

"Then an amendment was put forward by Dr. Gilbert Slater and seconded by Mr. A. P. Patro. This having been accepted and supported by other speakers, the present debate must be considered to be a continuation of the previous debate and the Honourable Members will have to take it that it is so. Those Honourable Members who have already spoken cannot speak again on this resolution. It is a continuation of the previous debate and with this remark, I would ask the Honourable Members to continue the debate."

Mr. K. GOPALAKRISHNAYYA:—"I request that the amended resolution may be read not to the Council."

The Hon'ble the PRESIDENT:—"The amended resolution runs thus:—

'That this Council recommends to the Government to transfer to the district boards an eighth share of the excise revenue.'

"This amended resolution has been accepted by the original mover and it is this amended resolution that the Honourable Members have to discuss."